

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

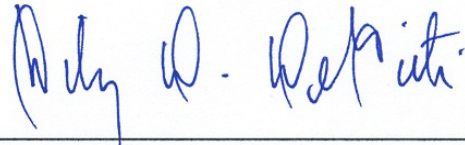
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|-----------------------------------|---|------------------------|
| RAY WILBUR PAYN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-15-1089-D |
| |) | |
| GERALD E. KELLEY, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff's letter requesting removal of Paula Payn as a defendant in the above-captioned case [Doc. No. 23] is construed by the Court as a Notice of Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).¹ Therefore, the court finds that Plaintiff's action against Paula Payn is hereby DISMISSED WITHOUT PREJUDICE, as she has neither answered nor filed a motion for summary judgment. *See Pipeliners Local Union No. 798 v. Ellerd*, 503 F.2d 1193, 1199-1200 (10th Cir. 1974) (Rule 41(a)(1) permits a dismissal of less than all parties); the caption shall so reflect throughout the remainder of these proceedings.

¹ Plaintiff is reminded that a letter is an improper vehicle for the relief requested here. *See* Fed. R. Civ. P. 7. Although Plaintiff is a *pro se* litigant whose pleadings are held to a less stringent standard than ones drafted by lawyers, this Court may properly insist that he "follow the same rules of procedure that govern other litigants." *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (quoting *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994)). As such, Plaintiff's *pro se* status does not excuse him from familiarizing himself with the Federal Rules of Civil Procedure, the Local Rules of the Western District of Oklahoma, and this Court's chambers rules. *Spencer v. Cumulus Broadcasting, LLC*, No. 07-cv-02173-REB-BNB, 2008 WL 2751339 at *1, n.1 (D. Colo. July 11, 2008) (citing *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)).

IT IS SO ORDERED this 21st day of October, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE